

WILL 8-HOUR LAW STAND COURT TEST?

**Railway Officials Say they Will Ignore it, and their
Lawyers Say it will Crumble at First Legal Blast.
Trainmen Seem Satisfied and Await Results.**

Now that the threatened general strike of railway trainmen is a thing of the past and no longer occupies the front pages of the newspapers, we should not forget it. The political bunk that now appears in the newspaper is calculated to do that very thing.

But let us see what has really happened. We are supposed to have an 8-hour law for men in the railway train service, effective January 1. Only about 20 per cent of railway employees are thus engaged. What authority has congress to discriminate between different employees of the same railroad? Can it say that 80 per cent shall work ten hours and 20 per cent only eight? Is there not reason to believe that a well trained federal judge can find in this the germs of class legislation and declare the law unconstitutional?

Neither the president nor congress acted because of any particular love for the 23 per cent. They acted to prevent the calamity of a general strike during a campaign in which they were up for re-election. A general strike would have put the lid on that swamp about prosperity.

The railroads played their hand well. They are after big game. One thing they want is an excuse to increase rates. Another thing they want is a law to make future strikes impossible. An effort was made to incorporate this feature in the bill passed but the time would not work that the railroad would not.

Rockefeller had his Colorado legislature to enact such a law. In Colorado it is a crime for the workers to strike. While such a law is clearly in violation of the nation's constitution, which prohibits involuntary servitude, yet it might be hard to find a federal court to see it that way.

Labor may make demands for better pay and better working conditions, but the power to enforce such demands has been taken from them and the organized workers must submit to take arbitration. And that is what the railroads are playing for nationally. The railroad press has already begun the agitation. Says the St. Louis Republic:

"This act is purely an emergency measure. It affords no security against the future. It brings us no step nearer the day when we shall have a body of rational legislation which shall provide for the settlement of industrial disputes by methods LESS WASTEFUL and more worthy of civilized human beings than the lock-out and the strike. The real constructive task REMAINS TO BE DONE. Its nature is clearly enough outlined in the legislative program of the president, embodied in his address to congress."

"We cannot go on as we have."

What does the Republic mean when it refers to the legislative program of the president, as embodied in his address to congress? Well, here it is:

"Amendment of the existing federal statute which provides for the mediation, conciliation, and arbitration of the labor controversies as the president, by adding to it a provision that in case the methods of accommodation now provided for should fail, a full public investigation of the merits of every such dispute shall be instituted AND COMPLETED before a strike or lock-out may be lawfully attempted."

Do you catch that last sentence of the president? If a dispute is to be mediated, conciliated and arbitrated and COMPLETED before a strike can lawfully occur, then a strike cannot lawfully occur at all.

Of course no such legislation will be attempted until after the election. Just now all of the politicians are great "friends of labor." Neither Wilson nor Hughes nor any congressman will hesitate to admit it.

Like all laws, the 8-hour law may be variously construed. I was under the impression that, for experimental purposes, the 8-hour basis would be applied at once, and that the president would have his commission on the job to see how it worked. But when I boarded a train Saturday I discovered my mistake.

At Chaffee I discussed the law with Wm. Carroll, a Frisco engineer. I soon discovered that he had a great deal of confidence in law and courts. But as to the meaning of the law, we could not agree at all. He held that the commission provided for, to be appointed by the president, would not begin its observations until January 1, when the law becomes effective. I held that the law did not say so. Here it is:

"Sec. 2. That the president shall appoint a commission of three which shall observe the operation and effects of the institution of the 8-hour standard workday as

above defined and the facts and conditions affecting the relations between such common carriers and employees during a period of NOT LESS THAN SIX MONTHS, nor more than NINE MONTHS, in the discretion of the commission, and within THIRTY DAYS thereafter such commission shall report its findings to the president and congress.

The sum of \$25,000 or so much thereof as may be necessary, be, and hereby is, appropriated out of any money in the United States treasury not otherwise appropriated, to be IMMEDIATELY available and to continue available until the close of the fiscal year ENDING June 30, 1917."

Now, this law does NOT say when the commission shall begin its work, but it DOES say that on June 30, 1917, its pay shall stop. And commissions always disband when their pay stops. The law also provides that the money to pay the expenses of the commission shall be "immediately available."

What for—if the work is not to begin until January? Let us now see where we are at. Suppose the work begins January 1. The law says the commission must observe the operation and effects of the new law for AT LEAST six months, and that it then has 30 days in which to report its findings. That would be seven months. How is it possible to get in seven months between January 1 and June 30 of the same year? Yet the commission is given power to investigate for nine months, if necessary. Add this 30 days in which to report, and you have ten months!

"Sec. 3. That, pending the REPORT of the commission herein provided for, and for a period of 30 days thereafter, the compensation of railway employees subject to this act for a standard 8-hour work day shall not be reckoned below the present standard days wage, and for all necessary time in excess of 8 hours such employees shall be paid at a rate not less than pro rata rate for such standard 8-hour workday."

You will notice that Sec. 3 provides that pending the REPORT and for 30 days thereafter, the trainmen shall receive the ten hours pay for eight hours work, and pro rata for over time. But it DOES NOT say PENDING the INVESTIGATION, which is supposed to begin after the law becomes effective January 1. If the law means that the shorter hours with the same pay shall become effective January 1, why doesn't it say so? There is a difference between the meaning of the terms "investigation" and "report."

When I reminded Mr. Carroll that some of the railroad heads had announced they would ignore the law, he hooted at it. "Why," said he, "there is a penalty of not less than \$100 nor more than one thousand dollars, or imprisonment for one year, or both, for EACH and EVERY violation. Do you suppose they are going to take any chances like that?"

I suggested that the penalty for violations of the Sherman anti-trust law was much more severe, yet that law had not hindered the growth of trusts and the sting of the penalty had only been felt by organized labor. But Mr. Carroll is mistaken about the penalty clause. Here it is:

"Sec. 4. That any person violating any provision of this act shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$100 and not more than \$1,000, or imprisoned not more than six months, or both."

Do you find anything about EACH and EVERY violation in that? It appears in other penal clauses, but for some mysterious reason it does not appear here! A railroad corporation may violate this law toward all of its employees indefinitely, and the highest penalty that could be imposed is \$1,000 fine. As for the imprisonment provision, that is a joke. Who ever heard of railroad managers going to jail—no matter what they did to the law?

The more I consider the "package" handed to the trainmen by the president and congress, the more I become satisfied that the trainmen were handed a beautifully polished gold brick.

E. P. Ripley, a railroad president, is quoted as saying: "Our lawyers have expressed the opinion that the Adamson law will crumble at the first legal blast." The evident purpose of the performance at Washington was to put off final action until after the election. The railroad press, Republican and Democratic, told us how the president was on the job pushing things. On Friday before the bill passed the senate on Saturday, they told us that the president was working overtime

and would be right in his office ready to sign the bill as soon as passed. So interested was the president in behalf of the trainmen that he hardly took time to eat or sleep, according to these kept newspapers.

But when the final show-down came on Saturday evening, it was admitted that the president was not in Washington at all when the bill finally passed, but at his summer home in New Jersey. And he signed the bill on Sunday as he passed thru Washington in his private car on his way to Kentucky to make a speech.

During the two weeks the show was on at Washington, the Globe-Democrat knew the president's position and had no criticism to make of it. In fact, it appeared to sanction the efforts of the president and congress in preventing the strike.

Not a word was heard from Mr. Hughes. But as soon as the strike was called off, then Mr. Hughes, the Globe-Democrat and other Republican organs began a tirade of criticism.

They say congress acted cowardly in permitting itself to be bullied and coerced by Labor.

There is no truth in any such accusation. Labor neither bullied nor coerced congress. The labor officials were in New York to try to get concessions from the railway officials. When they found that the railway officials would yield nothing, they sent out the strike order for noon, August 21. Nothing had been said to either the president or congress.

But it was at this point that the president interfered and invited both the labor officials and the railway heads to confer with him at Washington. Labor men could not ignore the president and hope to retain public sympathy, which is the all-powerful factor in a labor dispute.

Labor asked nothing of either the president or congress. The president and congress were taking care of their own political hides. They didn't want a general strike on the eve of an election.

In one respect, however, the tie-up of railroad traffic might have proved a blessing. Hughes and Wilson could not have got over the country to make speeches.

For two weeks the labor officials loitered around Washington out of respect for the president. Finally 640 of them got tired and went home—leaving only a couple of dozen in Washington. And congress did not act until after those 640 had left Washington. Where was there any bullying or coercion about that?

And while Democratic organs and spell-binders will claim this act as an evidence that they are "friends of labor," they did it for no other purpose than to put off settlement until after the election.

What the president and congress did settled nothing. The law does not become effective until January 1, and the railroad officials say they will then ignore it until tested in the courts. This means expensive litigation for a long time. And Labor has no better chance in court than in arbitration. Says the Milwaukee Leader:

"The panic haste with which congress rushed thru the 8-hour law was not caused by a desire to help the railroad workers, but by the threat to private profits if that bill increases wages \$50,000,000, as is claimed, the railroad presidents and inter-state commission will see to it that the final result will be increased profits nearer \$250,000,000 per year."

The railroad owners want higher rates. They want to save all the water in their stock. They want to cover up with heaping dividends the crimes of stock and bond manipulation.

The interstate commerce commission did not dare to permit an increase. The righteous indignation of the public against two generations of banditry was too hot to make another legalized raid politically safe.

Too large a section of the population had warned that the only way out is public ownership. There was danger of a political uprising in favor of such ownership if higher rates were again added to the crushing cost of living.

But if congress "compels" the roads to reduce hours, Wilson has promised to pack the inter-state commission with members that will grant the desired increase. One dollar will be handed to the employees to furnish an excuse for taking five from the public.

There is no promise to pack the supreme court with members who will declare the 8-hour law constitutional, and the railroads are preparing to smash it as soon as it has served its purpose as an excuse for higher rates.

When all the storm has blown

away, the employees will be bunked, the public skinned and the railroad corporations will have the swag.

And there will be more strikes and more danger of starving a nation of one hundred and ten million people.

There is but one solution of this question, and that is national ownership.

DOWN IN MEXICO.

Mexico is the one uncomfortable cockle-burr under the tails of American capitalists. They refuse to permit the progressive reforms that the Mexicans are inaugurating. They might spread to this "free" country. As soon as the election is over we may expect the intervention pot to again boil over. And only an intelligent and aroused public sentiment can prevent our stealing Mexico.

Just to keep the trail warm, the interventionists have again pulled Villa out of his grave, and we find in the kept press such headlines as these: "Villa Marching in the Direction of United States Forces." Gen. Pershing Hurries to meet Villa. In a mid way, this will be kept up until after the election, when the heavy pounding will begin.

The exploiters in this country have no use for the kind of government the Carranza administration is inaugurating. They want their property in Mexico under the protection of United States courts and guns. More than three-fourth of the wealth of Mexico is owned by outsiders. The valuable ranch, mineral and oil lands have been grabbed by non-residents.

Wm. R. Hearst, who owns a million acre ranch in Mexico, and several big newspapers in the United States, wants Mexico annexed. He says it would eliminate bankruptcy and social revolt, and that it would be worth many millions to Mexicans to share our business development, our progress and our prosperity.

But the Carranza government can't see it that way. That government has an entirely different idea about progress and prosperity. The other day the press dispatches announced that notices had been posted notifying the people of increased taxes on Land. Think how anarchistic that is. Why, it's even agin religion. But Carranza knows how to reach the Rockefeller, Morgans, Guggenheims, Hearsts and other American patriots who have looted Mexico. The tax on land, according to the dispatch, has been increased over 2,000 per cent. Now if the non-resident land-holders cannot get us to overthrow the Carranza government, then they will have to pay the increased tax, or let the land revert back to the people of Mexico to be allotted to them for homes by their government.

Can you now understand the reason for the yelp of the interventionists? They have robbed the Mexicans of their birth-right, and because these Mexicans have risen in revolt to claim their own, the robbers howl.

Nothing strange about that.

THE POT BOILING.

Hardly had the general strike of the trainmen been called off until word came from New York that a street car strike involving eighteen thousand men had broken out in New York. Five thousand strike breakers have been shipped in and five thousand police are on strike duty. These "Democratic times" are fierce. In addition to this twenty thousand copper miners are on strike in Minnesota, eight thousand coal miners in southern Kansas, the machinists are out in Milwaukee; the milk wagon drivers in St. Louis, and all over the nation—to say nothing of the machinists on twenty-two railroads who are demanding better pay and an eight hour day.

Press reports say the carmen's strike in New York was broken by the use of gun-men and strike-breakers that had been gathered together in Chicago for the expected general strike on the railroads. Sunday Morning's papers contained the following prospect of a general strike, affecting all branches of trade, commerce and manufacturing of Greater New York, hangs over the city as the result of the losing fight waged against the Interborough Railway Company by the Carmen's Union.

Stung to action by Pres. Shonts' declaration that not only was the strike broken, but that he would break the Amalgamated Association of Electric and Street Railway Employees, the Central Federation of Workers, representing 750,000 union workers of the greater city last night empowered a committee of five to call a general industrial strike in case it becomes apparent the Carmen's Union has lost.

The only real political issue in this or any other campaign is between capital and labor. But you will never get capitalist politicians to admit this. To admit it would be putting themselves on the defensive. During campaigns they are "friends of labor."

The literature sent out from both national headquarters as fodder for their press, bears the union label. All of them are "friends of labor" now. But it will be different after the election.

PROSPERITY.

The St. Joseph Lead Company, according to a New York telegram of August 29th, has declared the regular quarterly dividend of 25c and an extra dividend of 50 cents a share from the reserve for amortization or sinking fund. One of the largest individual stockholders of the company commenting on this action of the directors, says: "They should have kept to the regular and put aside the extra for a rainy day. How consistent, cutting the men's time from six to five days. Why not emburse the men now for what they lost? That is what I would do, every penny of it, or allow them to take stock at par." But whatever differences of opinion may exist among the stockholders as to how the extra dividend from the reserve for amortization should have been applied, this fact sticks out large—namely, that the company is in a very prosperous condition and is making money on a get-rich-quick schedule. Democratic times are not such bad times after all.

Now watch some Republican rise up and say, "I object, it is all on account of the war."—Farmington Times.

The objection is sustained. Lead is a very necessary adjunct to war. Almost every week you growl about print paper costing two and three times what it cost before the war. Are "Democratic times" responsible for that also? If so, you are rather backward about claiming the credit.

But all this is neither here nor there. You are not even as considerate of the workmen as the stockholder you quote. Everybody, except Bro. Ake of the Iron Register, admits that Wall Street is in high clover. But how about those who do the work?

The mines of your country have produced sufficient wealth during the past three months so that each stockholder could not only draw his regular quarterly dividend, but an extra dividend amounting to double the regular dividend.

And you blow about this! What part did the stockholders play in creating this wealth? The majority of them have never seen the mines. Some of them could not tell you, off hand, in what state they are located. Yet they get all the profits, while they who do the work get a miserable existence.

The men, women and children who do this work are right under your nose. Why don't you tell your readers of THEIR condition, and how much THEIR dividends have increased as a result of "Democratic times?"

Judging from what the stockholder you quote says about it, their "prosperity" has been cut from six days' work a week to five.

WHO PAYS THE FREIGHT?

Mr. Worker, you have read a great deal about the high cost of living. Yet what do you really know about it—except that it is getting mighty expensive to live. You try farming, and ends fail to meet. Many of you quit farming and try day labor, only to find that you have not improved matters any. Year after year the politicians and their organs shout about prosperity, while you and your family are drifting toward the poor house.

Do you know that the capitalist politicians and their organs never tell you the truth about these things? It is their job to keep you on a blind trail. One of the chief cause of the high cost of living is the ever-increased cost of government.

What would you say if a United States marshal came to your door and told you that next year you must did up \$150 to support the national government? That is the average cost of government for every family of five in this country.

Now, don't imagine that you can escape your share of this tax because you have nothing to pay taxes on. Your rulers are too smart to send an officer to you and demand this tribute. They put a tax on what you eat, drink and wear, and when you buy you pay this tax.

Meyer London is the only Socialist congressman. When a Socialist talks he usually shocks the finer feelings of the representatives of the grafters. But they never attempt to disprove what he says. Last month, while the navy grab bill was before the House, Mr. London said:

"The proposed act carries \$50,000,000 more than was ever authorized by the greatest naval power in the world—Great Britain. The problems of imperial Great Britain are not our problems. Sixty per cent of her food is imported. With a population of 46,000,000 souls England rules over one-fifth of the globe and over one-fourth of the globe's population. Her colonies are scattered on all seas and on all continents."

This Republic has pledged its honor to the world to emancipate the Philippine Islands, the only distant possession of the United States. The Americans need no new colonies. The United States should not need new "places in the sun."

For this fiscal year there will be a per capita tax of 29 for Army and Navy purposes. Every man, woman and child will have to pay \$9 to maintain the Army and Navy. The present per capita expenditures for education is only \$4.50. It is the poor man, the man and woman who works for a living, that pays all taxes, no matter who the nominal payer of the taxes may be.

As it is, the per capita annual expense for maintaining the Government is \$22 per head. With the added military burden and with the generally growing expense of the Government the load will now average \$30 per head, or \$150 annually for a family of five. This \$150 a year is more than one-fourth of the earnings of the great majority of the industrial and agricultural workers of the country.

What a tremendous price to pay for being governed!

Congress is in session twice each year. Nevertheless this bill provides for a three year construction program. There will be no way of correcting the error, no way of retracting the step. By the time Congress shall have met again contracts for the construction of ships involving an additional \$500,000,000 will have been made.

What a surrender of the Treasury of the United States into the hands of the munition manufacturers!

To the fellow who wants something right now, things may look a little dark, but to the observer who knows that the mass moves no faster than its intellectual development, it does not appear so bad. Who would have thought, say five years ago, that by 1916 a group of workers would be so well organized as to bring the national government to its knees without so much as requesting a bow? Nothing like this has ever happened in this country and it will do more to stimulate organization among the workers than all else. For the courts to nullify the act of congress will not help matters any. The power that organized labor can exert has been proved. That is why the kept press of the employers is howling at congress for submitting when, in fact, congress submitted to nothing. Labor asked nothing from congress. It was the president. He nor the congressmen wanted the country tied up while they were telling the people about the blessings of "Democratic times" and pleading for a return to power.

THE WILSON ADMINISTRATION.

The Wilson administration is entitled to one measure of credit that seems to be ignored. The trust-busting force has been put on ice. During the Taft administration Attorney General Wickham occupied the front of the stage. The present attorney general just sits quiet and draws his pay. His name seldom appears in print. The busting of Standard Oil seems to have satisfied all of the trust-busters.

Socialist leaders are very optimistic about results in the fall election. They have strong hopes of carrying Oklahoma. Texas will cast a tremendous Socialist vote. Milwaukee, where the Socialists elected their mayor last spring over the combined opposition of the Demo-Reps, expect to send Victor Berger and Windfield Gaylord to congress. National Secretary Gorman says the Socialists will at least double their vote of four years ago, if they do not treble it. A dozen Socialists in congress would make it mighty interesting for the plutocrats.

THE PROOF.

The first thing a "free born American citizen" wants when his grand-pa ideas are joined, is the proof. And then he won't believe it if he can help it.

For years the Socialists have been trying to pound it into the heads of the toilers that the idlers get the greater portion of what they produce. But they can't see it and insist on keeping the idlers in control of government.

Let's see if we now have the positive proof. The automobile business is like any other manufacturing business that employs much labor. Henry Ford is a peculiar capitalist. He appears to be no hog.

Ford is in the automobile manufacturing business and sold his machines at about the same price as other makers. Three years ago he discovered that his profits for one year were ten million dollars and that he only had ten million dollars invested in the automobile plant.

Ford decided that he was getting too big a share of the products and concluded to divide with the men who did the work. So he more than doubled their pay. The poorest paid worker was given five dollars for eight hours work, and others got more.

All of the shrewd business men predicted bankruptcy for Ford. But at the end of the year his profits were still ten million. With the increased pay the men were so much better able to care for themselves and families that work was a pleasure to them and they produced more.

Ford then reduced the price of his cars, and announced that he would share profits with his customers. During August of last year every purchaser of a Ford car received a check of \$50, making his car cost him \$50 less than he expected.

But the Ford profits continued to grow, and this year, when everything else is going out of sight in price, Ford reduces the price of his cars from about \$75. I know of no other thing that is lower now than before the European war.

Do you need any further proof of the working of the robber system? And that it is the workers who are robbed?

The workers produce enough to give them all a splendid living, but the idlers take it from them and leave them only enough for existence. The thing for the worker to do is to locate the key the capitalists have that unlocks the stores of wealth the workers produce, and smash it.

A DULL FAKE FIGHT.

From the Milwaukee Leader.

The crowd is drifting away from the campaign ring-side grumbling "Take 'em out. It's all a stall."

Hughes and Wilson are not trying for a knockout. They are only trying to get the title.

Hughes wants a tariff to protect infant industries. Wilson wants it to prevent after-war dumping.

Wilson meddles in Mexico without doing anything. He gives criticism Wilson's style of meddling but has no change to suggest.

Both are opposed to "imperialism." Both are for "preparedness." Both are willing to take their orders from Wall Street.

Both end up like a George M. Cohan play, waving the flag while the band plays "The Star Spangled Banner."

With such flat faking at the head of the ticket, congressional candidates on the old tickets could not be expected to do anything but parrot the same line of talk.

Neither one has a word to say on any subject of interest to voters. On high prices, trust domination, union persecution, workers' insurance or anything else that concerns the workmen, the Republican and Democratic candidates are as silent as they are talkative on the subjects that interest nobody.

Is it any wonder that only the office holders are interested in that fake fight?

They agree in one other thing. All the candidates on both the Republican and Democratic tickets are opposed to the Socialists. And naturally so, because the Socialists are fighting the evil upon which these fakers thrive and live—and for which these parties exist.

A press dispatch from Washington says the president and congress set aside October 21—22 as a day of relief of suffering among Armenians and Syrians, and that all churches will be appealed to by the Federal Council of churches to help. When are they going to set aside a day or two to help the suffering at home. If I could have my choice, I would rather have the money the Federal Council of churches keeps, than to have the amount the Armenians and Syrians get. These pious frauds who are always taking care of somebody way off while overlooking the suffering at home, are the greatest frauds afloat. Tom Watson has shown by official figures that 85 per cent of the money collected for foreign missions sticks to the fingers of the mission workers. And the poor "heathen" gets 15 cents worth of "salvation."

If you want the truth, you must read the unmuzzled Kicker.